**Idaho Association of Counties**

**Legislative Committee Meeting Minutes**

IAC Washington Office, Conference Call| 700 W. Washington, Boise, Idaho | January 31, 2018| 10:30 am

**Call In: 208-717-1950**

Members Present:

Chair: Chris Goetz, Clearwater Sheriff

Vice-Chair: Pat Vaughan, Latah Assessor

IACA: Justin Baldwin, Gooding Assessor

IACC: Terry Kramer, Twin Falls Commissioner

IACRC: Carrie Bird, Clearwater Clerk

IACT: Donna Peterson, Payette Treasurer

IPAA: Bryan Taylor, Canyon Prosecutor

ISA Alt.: Vaughn Killeen, ISA Executive Director

ISACC: Dotti Owens, Ada Coroner

District 1: Dan Dinning, Boundary Commissioner

District 3: Gordon Cruickshank, Valley Commissioner

District 3 Alt.: Vicky McIntyre, Ada Treasurer

District 4: Helen Edwards, Gooding Commissioner

District 5: Craig Rowland, Bingham Sheriff

District 6: Abbie Mace, Fremont Clerk

Members Not Present:

IACT Alt.: Tracie Lloyd

IPAA Alt.: Holly Koole, Ada Deputy Prosecutor

ISA: Kieran Donahue, Canyon Sheriff

ISACC Alt.: Pam Garlock, Boise Coroner

District 1 Alt.: Phil Lampert, Benewah Commissioner

District 2:

District 2 Alt.:

District 4 Alt.: Larry Schoen, Blaine Commissioner

District 5 Alt.: Ladd Carter, Bingham Commissioner

District 6 Alt.: Shelly Shaffer, Butte Clerk

Guests:

Seth Grigg, Executive Director, Idaho Association of Counties

Kelli Brassfield, Idaho Association of Counties

Kristin Cundiff, Idaho Association of Counties

Mike Kane, Idaho Sheriff’s Association

Erica White, Ada County

Ax Yewer, Ada County

Phil McGrane, Ada County

10:30 am **I.** **Call to order** - Chair Chris Goetz

1. Roll Call
2. Approval of January 24, 2018 Minutes.

***Gordon Cruickshank made a motion to approve the minutes from January 24, 2018. Terry Kramer seconded. Motion carried.***

10:35 am **II. IAC Package (Update)**

1. Justice Levy #14
   * Increase levy from .02% to .025%
2. Records Retention for LE #15 – Representative Malek
   * Update required retention timeframes
3. Delinquent Tax Payments #11 – Senator Patrick
   * Clean up requirement payment of delinquent taxes
4. Electronic Notice #1
   * Option to post public notices on county websites
5. Interest for Supplemental and Missed Property Rolls #10 - Senator Bayer
   * Apply interest to sup. and missed property rolls the same as all other taxes
6. Early Voting Plan #5 - Senator Lakey
   * Allow for annual plans unless plan is modified
7. Election Age #6 – Senator Hagedorn
   * Reduce student poll worker age from 17 to 16
8. Federal Lands – Conservation #13
   * Provides a yearly payment of a fee in lieu of taxes for property that is accepted as a donation
9. Tax Intercept for Indigent #12
   * Allow for tax intercept for approved indigent claims

10:40 am **III. Update and Monitor**

1. Magistrate Court Funding

Seth Grigg mentioned he is working with the Rep. Luker on a date to get it introduced. Some legislators don’t like the liquor funds being used because a portion of that General Fund revenue growth and so other sources are being explored.

1. Inmate Costs ISA – Mike Kane

Mike Kane reminded the committee that the latest draft would increase the state reimbursement to the counties for state inmates from $45/day to $55/day for the first 7 days and $75/day there after. Rep. Luker has agreed to RS the draft and it should be heard next week.

11:05 am I**V.** **New Legislative Items (Action)**

1. Personal Property Tax – IACI

Seth Grigg stated he reported the committees concerns to Alex LeBeau from IACI. Alex is disappointed but would like to present the final draft if they can get it printed.

1. Local Historian – Boise State University/Rep. Troy

Seth Grigg stated that after open meeting law and the other concerns were brought up, Rep. Troy has decided to take counties out of the draft and will only pertain to cities.

1. Lobbyist – Rep. Giddings, [H0418](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/legislation/H0418.pdf)

Seth Grigg explained that this legislation would prevent State agencies from spending taxpayer money on lobbyists. State agencies would only be able to give information if asked by a legislator. This does include the schools, but during the introductory hearing the other local jurisdictions (political subdivisions) were brought up. IAC will follow this because the local associations could be added.

This legislation isn’t clear whether or not this includes elected officials. We will need to take immediate action if this gains traction. The intent is to preclude State agencies from lobbying. There was an AG opinion that employees of universities do not have to register as a lobbyist but this would include employees, so they wouldn’t be able to do that.

Phil McGrane mentioned that The Freedom Foundation will probably come out in support of this because they see it as government trying to grow itself. Gordon Cruickshank mentioned that it would be interesting to see how this would affect the other boards that elected officials participate in (WIR, NACo, IAC committees).

1. Priority of Payments – Courts

Seth Grigg stated that everyone is waiting for a hearing. Seth will be meeting with Sara Thomas and will be discussing the meeting that the courts had with Ada County. Abbie Mace and others expressed the idea of using a prorated method to collect and distributed.

1. Misdemeanor Probation – Ada County

Erica White –stated that this proposal would amend 31-3201(D), Idaho Code, to add option for counties to either pay clerk of the court or to the BOCC for misdemeanor probation (MP). With odyssey, some counties have seen a drop in the amount collected because of the priority of payments. The Idaho Supreme Court has moved MP up to #3 but there are other issues.

The statute is clear that those fund are supposed to be use exclusively for MP and there are other accounting problems within odyssey. Probation officers are unable to view the client account to see if payments are being made. This is prohibiting them from doing their job. Another problem is if someone is on probation for multiple cases, the problem is tracking them with their $75 charge. Odyssey is charging multiple fees instead of just one. Our clerks have to manually change these.

Our proposal would give counties the option to continue paying the clerk of the court and have the payments go through courts or take them out of the clerk of court so the program gets the funds its supposed to be getting to keep it going. This would still require the BOCC to report payments to the clerk of the court to show it is getting paid. Ada County thinks this proposal can be run in line with the courts bill.

Abbie Mace asked how the payments would be tracked if they don’t run it through Odyssey. Erica White stated the BOCC would report the payments received to the clerk and the clerk would enter those payments. Another question was how does that affect the distribution of payments and wow do you account for the payments? Erica White explained that in Ada County there is a separate system that the probation office uses to track those payments.

Carrie Bird brought up an issue with the tracking of non-cash payments through odyssey. Erica White is not sure how that would be done but that it would still require the BOCC to report to the clerk.

Committee will take a position next week.

1. Initiative/Referendum – Ada County

Ax Yewer stated that the Supreme Court ruled that you aren’t supposed to use the initiative process for land use issues. This would Title 31 Chapter 7, Idaho Code, to move counties in with the state and cities initiatives process and this would add that you cannot use this for zoning.

Ax Yewer stated that Rep. Clow will be getting an RS and there are a couple of Senators helping also.

Committee will wait until Monday to take a position.

1. Pre-trial Release

Seth Grigg stated that this proposal is on whether or not counties can charge person pretrial release fees. Sara Thomas stated in the committee hearing that some counties are charging up to $150 and that it is unconstitutional. This proposal would allow counties to charge $30 for the supervision plus the other costs to be paid directly to the vendors for their services, if a pre-trial release program is set up.

Mike Kane stated that the courts portrayed the counties as over charging people. This bill would give us the authority of charging these fees that we have already been charging. The sheriffs were not very supportive.

Seth Grigg asked about how this proposal would affect the bail bondsman? Mike Kane stated that they are not wild about this and they will want to be heard.

Terry Kramer mentioned that Twin Falls County is charging $5/day, which would be $150/month, and so we will have to look into this and see how it would affect us.

Add to Monday’s agenda.

1. Forest Land

Seth Grigg stated that forestlands are assessed differently than other land in the counties. The state established a committee to meet as needed to discuss issues (Committee on Forestland Taxation Methodology). This legislation would implement a moratorium on the values of these lands. It would have the values roll back to what they were back in 2016. This would also require the committee to re-evaluate the way the values are assessed.

The CFTM has interest in discussing this and will consider a moratorium going forward but not backward. The CFTM is waiting on industry to see if they are ok with that. If they agree we can take a further look but if they don’t we should oppose. There are quite a few counties that this would affect but only applies to private land.

Dan Dinning asked why the legislature is looking at changing the current method. Seth Grigg stated that this has to do with the law that set the floor and a ceiling on the values. This model has a potential of going negative and this would make counties have to pay landowners. An agreement was made that values would be fixed and not increase over 5% over a period of time. This means the timberland owners would have paid less than others for the first five years and paid more in the next five years. Industry assumed they could flex between the classifications and stay within the 5% but that isn’t the case. There were parcels that changed in classification and so their values that went up.

Don Ebert stated that these owners still have the time to go the Board of Equalization (BOE) and fix this issue but they don’t want to do that. They want to see this changed in law. Gordon Cruickshank mentioned that this would set a precedent.

***Gordon Cruickshank made a motion to oppose H462. Justin Baldwin seconded. Motion carried.***

12:00 pm **V. Adjourn**